

**United States District Court
District of Massachusetts**

In Re: Pharmaceutical Industry)	
Average Wholesale Price Litigation)	MDL No. 1456
)	Master File No. 1:01-CV-12257-PBS
This Document Relates to:)	Sub-Category Case No.
<i>United States ex rel. Linnette Sun and Greg</i>)	1:08-CV-11200
<i>Hamilton, Relators</i>)	
v.)	Judge Patti B. Saris
<i>Baxter Hemoglobin Therapeutics and Baxter</i>)	
<i>International Inc.</i>)	

**Stipulation re Filing Non-Substantive Amendment to First Amended Complaint
to Correct the Names of the Parties**

Relators respectfully request leave to file a non-substantive amendment which would correct the First Amended Complaint by correcting the names of the Party defendants.

The bases for the Amendment are as follows:

First, Baxter Hemoglobin Therapeutics no longer exists; and

Second, Baxter International Inc. has represented that it owns the patents to various products, but that it does not sell, manufacture or market drugs or therapies and therefore has not engaged in the conduct alleged in the First Amended Complaint. If the complaint allegations were true, the responsible entity would have been Baxter Healthcare Corporation (hereinafter "Baxter").

The parties have agreed to the following procedure:

1. Relators will, with Baxter's stipulation, amend their First Amended Complaint by adding Baxter Healthcare Corporation, as a party defendant.
2. As soon as Baxter Healthcare Corporation files an answer to the Second Amended Complaint, Relators will dismiss Baxter Hemoglobin Therapeutics and Baxter International Inc. without prejudice to either entity being restored to this action

upon a showing of good cause.

3. To maintain consistency in the pleadings, the Relators' amendment to their First Amended Complaint shall leave the complete text (save for the names of the party defendants) intact. However, Relators are not seeking through this Amendment to restore any cause of action previously dismissed by the Court. Therefore, Baxter Healthcare Corporation's answer need only respond to Counts I, IV, V, VI, XXII, and XXIII.

Respectfully submitted,

Dated: June 16, 2010

LAW OFFICES OF MARK ALLEN KLEIMAN

By: 

MARK ALLEN KLEIMAN
California State Bar No. 115959
2907 Stanford Avenue
Venice, CA 90292
(310) 306-8094
(310) 306-8491 (fax)

LAUREN JOHN UDDEN
California State Bar No. 83118
15 W. Camarillo Street Ste. 209
Santa Barbara, California 93101
(805) 879-7544
(805) 560-0506 (fax)

SO STIPULATED:

Dated: June 17, 2010

DICKSTEIN SHAPIRO LLP

By: 

MERLE M. DeLANCEY
TINA D. REYNOLDS
RUCHI JAIN
1825 I Street, N.W.
Washington, D.C. 20006
(202) 420-2200
(202) 420-2201 (fax)